

12-05-06

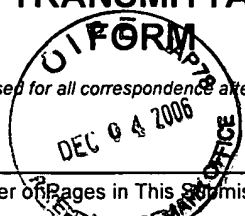
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PTO/SB/21 (09-06)


Approved for use through 03/31/2007. OMB 0651-0031

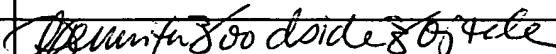
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|   |                        |                        |
|---|------------------------|------------------------|
| <b>TRANSMITTAL</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/727,911             |
|   | Filing Date            | December 4, 2003       |
|   | First Named Inventor   | Maxime Lampilas et al. |
|   | Art Unit               | 1624                   |
|   | Examiner Name          | Branda Libby Coleman   |
| Total Number of Pages in This Submission  | Attorney Docket Number | 8674-000026            |

| ENCLOSURES (check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) ____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br><br>return postcard; Response to Notice of Non-Compliant Amendment; Copy of return receipt postcard dated and stamped 10/24/06; and Copy of Amendment & Petition for Extension of time filed 10/24/06 |
| Remarks<br>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.  |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |   |                              |
|--|---|---|------------------------------|
| Firm or Individual name                    | Harness, Dickey & Pierce, P.L.C.  | Attorney Name<br>Monte L. Falcoff<br>Jennifer M. Woodside Wojtala | Reg. No.<br>37,617<br>50,721 |
| Signature                                  |  |   |                              |
| Date                                       | December 4, 2006  |   |                              |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |                        |                               |
|---|---|------------------------|-------------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |                        |                               |
| Typed or printed name   | Monte L. Falcoff / Jennifer M. Woodside Wojtala                                     | Express Mail Label No. | EV 757 778 468 US (12/4/2006) |
| Signature   |  | Date                   | December 4, 2006              |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office.

EV 757 778 468 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/727,911

Filing Date: December 4, 2003

Applicant: Maxime Lamplias et al.

Group Art Unit: 1624

Examiner: Brenda Libby Coleman

Title: Novel Heterocyclic Compounds, Their Preparation and Their Use as Medicaments, in Particular as Antibacterials and Betalactamase Inhibitors

Attorney Docket: 8674-000026

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

In response to the Notice of Non-Compliant Amendment mailed November 9, 2006, please find attached a copy of the 32 page Amendment and Petition for Extension of Time filed on October 24, 2006. The version of the Notice of Non-Compliant Amendment mailed to Applicants was blank and did not contain any indication of the reasons for non-compliance. After consulting with Legal Instruments Examiner Peggy Yarborough, it appears the USPTO did not receive page 27 of the October 24, 2006 Amendment and Petition for Extension of Time and thus Claim 41 appeared to be incomplete in the USPTO records. It appears that page 27 was inadvertently omitted

during processing at the USPTO because the Amendment filed on October 24, 2006 contained a complete listing of the claims and numbered pages. Applicants submit herewith a copy of Amendment and Petition for Extension of Time filed on October 24, 2006 (containing the complete listing of all claims) and a copy of the stamped postcard indicating 32 pages were received by the USPTO.

Applicants respectfully request acceptance of the Amendment and Petition for Extension of Time filed on October 24, 2006; respectfully submit that the response is fully compliant; and accordingly should be fully considered.

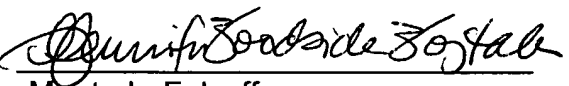
If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 4, 2006

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MLF/JMW

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